UNITED NATIONS

E

Economic and Social Council

Distr.
GENERAL

E/CN.4/Sub.2/1995/47
14 August 1995

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-seventh session
Agenda item 13

INTERNATIONAL PEACE AND SECURITY AS AN ESSENTIAL CONDITION FOR THE ENJOYMENT OF HUMAN RIGHTS, ABOVE ALL THE RIGHT TO LIFE

Written statement submitted by the observer delegation of New Zealand on 14 August 1995

The observer delegation of New Zealand wishes to draw the attention of the Sub-Commission to the attached resolution adopted unanimously in the New Zealand Parliament on 20 July which deplored the French decision to resume nuclear testing in the South Pacific, including on the basis that the design, production, testing, possession, deployment and possible use of nuclear weapons constitute threats to the right to life, and to a clean environment for current and future generations, and for all species.

It would be appreciated if this resolution of the New Zealand Parliament could be circulated as an official document of the Sub-Commission.

GE.95-13582 (E)

Resolution adopted by the New Zealand Parliament, on 20 July 1995

I move that this House:

Deploring the recent announcement by President Chirac that France intends to resume nuclear testing in the South Pacific, thereby breaking the moratorium observed since 1992;

Recognizing New Zealand's responsibility as a non-nuclear-weapon State under the Nuclear Non-Proliferation Treaty (NPT) and as a Member of the United Nations;

Recalling New Zealand's status as a nuclear-free zone established by law in 1987, and the South Pacific Nuclear Free Zone established by the Treaty of Rarotonga in 1985;

Recalling that France, China, and the other nuclear-weapon States undertook during the NPT Review and Extension Conference to exercise utmost restraint on nuclear testing, and to sign a Comprehensive Test-Ban Treaty (CTBT) no later than 1996, and their obligation under the NPT to negotiate nuclear disarmament in good faith;

Recalling that it is 50 years since the first nuclear weapons were used in war at Hiroshima and Nagasaki;

Believing that the designing, production, testing, possession, deployment and possible use of nuclear weapons constitute threats to the right to life, and to a clean environment for current and future generations and for all species;

Recalling the judgement of the International Court of Justice in 1974 with regard to nuclear testing;

Recalling also the sabotage and sinking of the "Rainbow Warrior", and the killing of Fernando Pereira by French Government agents 10 years ago in order to prevent that vessel making a voyage of protest and witness to the French nuclear-testing zone;

Noting that France's decision to resume nuclear testing, and the continuation of testing by China, may jeopardize the negotiations now under way on the conclusion of a truly comprehensive and internationally-verifiable nuclear-test-ban treaty;

Noting also that France's decision runs counter to strongly-held views in South Pacific countries and has aroused a storm of protest around the world;

Noting regional concern that the planned resumption of testing will put at risk the marine environment, resources, way of life and health of the peoples of the South Pacific;

Resolves to send a delegation of New Zealand parliamentarians to discuss this issue with members of the European Parliament;

Calls on France and China to cancel their planned nuclear-testing programmes, and for the closure for all time of all nuclear-testing facilities;

Urges France and the other four nuclear-weapon States to agree to a Comprehensive Test-Ban Treaty which specifically prohibits all nuclear tests and experiments, including low and very low yield tests;

Calls on the nuclear-weapon States to sign without delay a CTBT as the next step on the road towards complete nuclear disarmament, a CTBT being seen as an essential commitment by the nuclear-weapon States towards preventing nuclear proliferation;

Calls on France, the United Kingdom and the United States of America to sign the protocols of the Treaty of Rarotonga (South Pacific Nuclear-Free Zone Treaty) immediately, as a measure of good faith;

Calls on all countries in the southern hemisphere to conclude at an early date nuclear-weapon-free zone treaties currently under negotiation;

Resolves to continue to raise the issue by all available legal and political means in all relevant international forums, particularly those of the United Nations;

Invites France and China to recognize the compulsory jurisdiction of the International Court of Justice without reservation, in respect of any matters concerning nuclear weapons;

Urges all other parliaments to redouble their efforts to reach an early agreement on a truly comprehensive test-ban treaty and move towards complete nuclear disarmament.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/Sub.2/1995/48
15 August 1995

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection of
Minorities
Forty-seventh session
Agenda item 6

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Letter dated 14 August 1995 from the Chargé d'affaires, a.i. of the Permanent Mission of the Republic of Croatia to the United Nations Office at Geneva addressed to the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

Upon instructions from my Government I have the honour to address you concerning a letter circulated as a document of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1995/45, dated 11 August 1995).

The content of the letter and the language used speak for the author himself and the regime which he represents. In a manner typical of propaganda which was programmed to promote the concept and the policy of "Greater Serbia", it attempts to shift the "responsibility" for the war in the former Yugoslavia to others, while it is clearly established by all Security Council resolutions and other relevant decisions of the international community that the Federal Republic of Yugoslavia (Serbia and Montenegro) is the one responsible for genocide and massive and flagrant violations of human rights and international humanitarian law. In this context it is sufficient to refer

the authors of the letter to resolutions of the Commission on Human Rights and the list of war criminals prosecuted by the International Tribunal. More than that, history will remember and speak of all the atrocities committed by the "Yugoslav People's Army" in Vukovar, against Dubrovnik, the recent massacres by Serbian soldiers in Srebrenica, and others. The International Tribunal will hopefully pronounce its verdicts soon.

The Republic of Croatia did not undertake "an aggression against the Republic of Serb Krajina", but liberated part of its territory which was occupied and was declared as such by the United Nations General Assembly. It was a legitimate action, conducted strictly in accordance with international law, the Charter of the United Nations and under explicit orders to limit to the absolute minimum civilian casualties and damage to property. Referring to the "aggression" and "the Republic of Serb Krajina" the author of the letter reveals the fundamental fact that the policy of his Government and its support of self-proclaimed entities is the core problem of the tragedy still mercilessly affecting the population in the territory of the former Yugoslavia.

The human rights of the local Serbian population were not "massively and flagrantly violated". All "accusations" are fabricated, even the number of over 200,000 people (the actual number is 90,000). Croatia has allowed the ICRC and other international humanitarian organizations into the liberated area, it signed an agreement with the United Nations Confidence Restoration Operation in Croatia (UNCRO), all with the purpose of ensuring that the human rights situation was fully monitored. But it is legitimate to ask whether the Serbian authorities are additionally responsible for the situation of the Serbian people. The self-proclaimed "Krajina Prime Minister" Dr. Milan Babic declared: "I was astonished that the General Staff of the Serb Army of Krajina (RSK) and President Martić had ordered the general evacuation of the population and withdrawal of the Army on all front lines in Knin, northern Dalmatia and Lika...". According to the press, the "Yugoslav" authorities are nowadays forcing the draft-age male refugees away from the borders into combat areas in Bosnia and Herzegovina. This shows that the population exodus is manipulated for political and propaganda purposes, again, and yet again, against the Republic of Croatia. The Croatian leadership has to the contrary repeatedly invited the fleeing Serbs to remain in their homeland, where all their rights are guaranteed. That invitation remains valid.

Nobody has committed genocide against the Serbian people, either in Croatia, or in Bosnia and Herzegovina. To the contrary, these countries and their peoples are victims of genocide, of ethnic cleansing, killing, mass rape, and all other forms of violations of international humanitarian law. Members of the Sub-Commission do not have to be reminded or warned of alleged double standards. They have in the past appraised objectively and will continue to appraise objectively the situation in the Republic of Croatia too.

It is with the utmost concern and profound distress that I must draw your attention and that of the Sub-Commission to the plight of the thousands of innocent civilians, especially of Croatian ethnic origin, who are being systematically subjected to terror and forcibly expelled from their homes in the Vojvodina region. This indigenous population has no desire to relinquish

its ancestral homes and its properties. They were not engaged in any subversive or illegal activities, but have always been peaceful, law-abiding citizens. Their only "crime" is their ethnic origin.

In the Banja Luka region the non-Serbian population is being continuously harassed and expelled. In the past few days alone over 1,000 Bosnian Croat families have been expelled and many have been tortured and killed, often with the assistance of the local Serb police. I would therefore urge you to address these forms of violations, which form the pattern of Serbian policy and behaviour.

The Republic of Croatia is a democratic State with laws fully consistent with the highest European standards. It is only the war and the continuous Serbian aggression which prevent it from providing its citizens with the security and prosperity that they fully deserve. Those who spread accusations with historic parallels have already been denounced and condemned by the international community for their fascist and extreme nationalistic policy. They cannot wash that blame away.

I would kindly ask you to circulate this letter as an official document of the Sub-Commission under agenda item 6.

(Signed) Neven Madey